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No. 07-181

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IN THE

Supreme Court of the United States

BRUCE TURNER

Petitioner

VS.

UNITED STATES OF AMERICA

Respondent

Supplemental Brief For Writ Of Certiorari
To The United States Court of Appeals
For The First Circuit

SUPPLEMENTAL BRIEF

BRUCE TURNER, *Pro-Se*
No: 24622-038
UNITED STATES PENITENTARY
POST OFFICE BOX 1033
COLEMAN, FLORIDA 33521-1033

ARGUMENT

NOW COMES, the petitioner, Bruce Turner, Pro-se pursuant to the Supreme Court rule 15(8) and hereby moves to amend his petition for a **WRIT OF CERTIORARI** submitted to this court on July 11, 2007 and docketed on August 13, 2007. In support the petitioner asserts the following:

1). That the petitioner had help filing his petition.

2). That because of time retraints the petitioner was forced to relay the question that he wanted presented over the telephone.

3.) That the petitioner was unable to see the finished work product until after the petition was submitted to this court and finally,

4.) Although the questions presented are close to what the petitioner wanted some very important parts of them were lost in translation.

The petitioner very respectfully requests for the reasons stated that his questions be amended to be read as on the following page;

1). In light of this court's recent decision in **CUNNINGHAM v. CALIFORNIA, 549 U.S. ____ 2007** are a defendant's **SIXTH and FIFTH AMENDMENTS** rights violated when he is sentenced to a **"MINIMUM MANDATORY"** prison term under the Armed Career Criminal Act (ACCA) because he was found at sentencing to have (3) **"PRIOR FELONY CONVICTIONS"** with aggravating circumstances (either violent felonies or serious drug offenses) by a judge but not even mentioined to the jury at trial where only one "simple" felony was proved?

2). Does the **ALMENDAREZ-TORRES, 523 U.S. 224 (1998)** "prior conviction exception" apply to a defendant whose sentence has been enhanced (by a judge's findings) under the Armed Career Criminal Act, relying on (3) prior felony convictions when that defendant went to trial before a jury in violation of Title 18 U.S.C. 922(g)(1) (felon in possession of a firearm) and only one prior felony was in the indictment brought before the jury and proved beyond a reasonable doubt?

Also, the petitioner wishes to add to the table of authorities in the petition on page iii, Amendment V of the United States Constitution.

And under **RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS I WISH TO QUOTE UNITED STATES CONSTITUTION, AMENDMENT V**:

"No person shall be held to answer for capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of war or public danger; **NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB**; nor shall be compelled in any criminal case to be a witness, against himself, nor be deprived of life, liberty, or property, without **DUE PROCESS OF LAW**; nor shall private property be taken for public use without just compensation."

The petitioner prays that you will allow his motion to Amend his petition for Writ of Certiorari.

Respectfully Submitted,

Bruce Turner

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Date: August 30, 2007